

App. No. 09/785,942.
Amendment dated April 22, 2004
Reply to Office action of March 4, 2004

REMARKS

Claims 1-23 are pending in the application. Claims 15, 16 and 19-23 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,606,649 issued to *Schwitters et al.* Claims 1-14, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Schwitters et al.* in view of U.S. Patent No. 6,057,841 issued to *Thurlow et al.* Claims 4, 15 and 16 have been amended. No new matter has been added. Applicant respectfully traverses the rejection.

Rejections under 35 U.S.C. § 102(e)

Claims 15, 16 and 19-23 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,606,649 issued to *Schwitters et al.* Applicant respectfully disagrees as described below.

Claim 15, as amended, teaches an "application...configured to identify and instantiate the message form object registered to handle messages associated with the class identifier..."

Schwitters et al. teaches retrieve, store and pointer modules that execute extended API commands to read and write data on a message database and a folder database. The databases can be programmed to remove "stale" records as needed. The database scheme conserves memory on handheld computers. (col. 7, lines 29-35). *Schwitters et al.* does not disclose an "application configured to identify and instantiate the message form object registered to handle messages associated with the class identifier." Thus, *Schwitters et al.* does not anticipate nor make obvious Applicant's Claim 15. Applicant therefore submits that Claim 15 is proposed to be allowable and notice to that effect is solicited.

Claims 16 and 19-23 are dependent on Claim 15 which, as described above, is an allowable base claim. Thus, Claims 16 and 19-23 are allowable for at least the same reasons that Claim 15 is allowable and notice to that effect is solicited.

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Rejections under 35 U.S.C. § 103(a)

Claims 1-14, 17 and 18 are rejected under 35U.S.C. 103(a) as being unpatentable over *Schwitters et al.* in view of U.S. Patent No. 6,057,841 issued to *Thurlow et al.* Applicant addresses these references below.

Applicant respectfully requests that the *Schwitters et al.* reference be disqualified under the provisions of 35 U.S.C. 103(c). 35 U.S.C. 103(c) states:

(c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Schwitters et al. qualifies as prior art only under 35 U.S.C. 102(e). *Schwitters et al.* is assigned to the Microsoft Corporation of Redmond, Washington. (*Schwitters et al.*, cover page) The claimed invention is also assigned to the Microsoft Corporation of Redmond, Washington. The assignment of the claimed invention to the Microsoft Corporation was recorded with the United States Patent and Trademark Office on February 16, 2001, and is recorded at reel/frame: 011562/0688. Accordingly, at the time the invention was made, the subject matter, and the claimed invention were subject to an obligation of assignment to the Microsoft Corporation of Redmond, Washington. Therefore, *Schwitters et al.* cannot preclude patentability of the claimed invention under the provisions of 35 U.S.C. 103(c) and is disqualified as a reference.

In light of the disqualification of *Schwitters et al.*, *Thurlow et al.* alone is insufficient to render claims 1-14, 17 and 18 unpatentable, as it does not teach or suggest a number of the claim limitations provided in independent Claims 1 and 10. Claims 2-9, 11-14, and 17-18 are dependent upon claims 1, 10, and 15 respectively, and are therefore also patentable over *Thurlow et al.*


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CONCLUSION

In view of the foregoing remarks, pending Claims 1-23 are believed to be allowable for at least the reasons stated above and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for Applicant at the telephone number provided below.

Respectfully Submitted,
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